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**From:** Kelley, Jeff [kelley.jeff@epa.gov]  
**Sent:** 7/16/2019 7:23:43 PM  
**To:** Thiede, Kurt [thiede.kurt@epa.gov]; Nelson, Leverett [nelson.leverett@epa.gov]  
**Subject:** FW: deadline -- comment on story for tomorrow's paper re leaked memo  
**Attachments:** NPDES-Pierard\_Memo.pdf

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**Jeff Kelley**

*Director, External Communications Office  
 U.S. EPA Region 5  
 ph: 312-353-1159*

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**From:** Bjorhus, Jennifer <Jennifer.Bjorhus@startribune.com>  
**Sent:** Tuesday, July 16, 2019 2:21 PM  
**To:** Sauerhage, Maggie <Sauerhage.Maggie@epa.gov>; Kelley, Jeff <kelley.jeff@epa.gov>  
**Cc:** Press <Press@epa.gov>  
**Subject:** deadline -- comment on story for tomorrow's paper re leaked memo

Dear Maggie and Jeff:

I need the EPA to comment on observations being made about an EPA memo that has been leaked. I have a copy of it, it is the Dec. 18, 2018 memo by Kevin Pierard at US Region 5 documenting the controversial process of the handling of the NPDES permit for the PolyMet copper-nickel mine in Minnesota. I have reached out to Pierard for comment but have not reached him.

Basically, people are saying the memo is further evidence of a "coverup" of issues with the water pollution permit. They say it also shows that Minnesota regulators approve the PolyMet NPDES permit over serious reservations by career EPA staff. Finally, it also suggests that "senior management" (not including Pierard?) had the agreement with MPCA to "forgo sending written comments." That makes it sound like that agreement came from higher up at the EPA. Perhaps you can clarify whether Pierard himself would have been considered "senior management" as Chief of the NPDES programs branch in Chicago.

It does look like less than 10 of the 29 EPA issues in the chart in the memo were actually resolved.

I am writing for tomorrow's newspaper.

The leaked memo is attached.

Best,  
 Jennifer

**Jennifer Bjorhus**

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